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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,206	04/28/2000	Bernard Dabezies	Q-57442	4790

23373 7590 09/15/2006

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EXAMINER

MCCARRY JR, ROBERT J

ART UNIT PAPER NUMBER

3617

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/462,206	<b>Applicant(s)</b> DABEZIES ET AL.	
	<b>Examiner</b> Robert J. McCarry, Jr.	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The Examiner acknowledges the amendment of the Abstract and the Specification to overcome the Objections of the Office Action dated 10/24/2005. The Examiner also acknowledges the claim of Foreign Priority with documents filed on 01/04/2000.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nystrom (US 2,190,334) in view of Ono et al (JP11-254,063).

Nystrom discloses a method of welding at least two sheets (11, 12) in a railway vehicle body along a zone of overlap of these sheets as disclosed in column 4, lines 9-14, characterized in that at least a first of the sheets comprises, near the zone of overlap, stiffening means (18) designed to resist the bending of the sheets along the zone of overlap, in that at least one region of the first sheet is made to project, cantilever fashion, into the zone of overlap, the stiffening means being located near this cantilevered region and in that the welding installation is used to weld the sheets together along the zone of overlap. The stiffening means comprising a profile part which bent away from the first sheet.

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Nystrom discloses all of the features as disclosed above but does not disclose laser welding of the sheets in that a pressing mechanism of the laser welding installation is made to press against another sheet so as to hold the sheets in contact with one another at the zone of overlap. Nystrom only discloses arc welding of the overlapping sheets. The general concept of using a method of "laser welding of sheets in that a pressing mechanism of the laser welding installation is made to press against another sheet so as to hold the sheets in contact with one another at the zone of overlap" is well known in the art as illustrated by Ono et al which disclose the teaching of "a method of laser welding of sheets in that a pressing mechanism is made to press against another sheet so as to hold the sheets in contact with one another at the zone of overlap" in a structure, see the abstract section. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nystrom to include the use of a method of "laser welding of the sheets in that a pressing mechanism of the laser welding installation is made to press against another sheet so as to hold the sheets in contact with one another at the zone of overlap" in his advantageous method of welding two sheets in order to prevent misalignment of the sheet thereby improving on the vehicle vibration characteristics.

### ***Response to Arguments***

Applicant's arguments filed 02/24/2006 have been fully considered but they are not persuasive. Applicant argues that the prior art of Nystrom does not disclose the feature of overlapping sheets as previously stated in column 2, lines 35-36. However, as stated by applicant the prior art of Nystrom discloses overlapping sheets 11 and 12 for

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arc welding in column 4, lines 9-14. While Nystrom only discloses arc welding, the prior of Ono et al discloses the use of laser welding. As stated above, it would have been obvious to one of ordinary skill to use laser welding as a more precise connecting means for the railcar components.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. McCarry, Jr. whose telephone number is (571) 272-6683. The examiner can normally be reached on Monday through Friday 7:00am to 3:00pm.

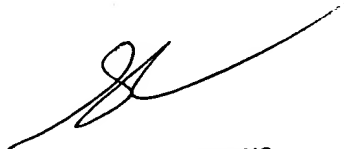
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Robert J. McCarry, Jr.  
Examiner  
Art Unit 3617

RJM  
September 11, 2006

  
S. JOSEPH MORANO  
SUPERVISORY PATENT EXAMINER  
TECHNICAL SERVICES GROUP 2600